

Remarks

Claims 1-12 are pending in the above-identified application and stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,957,281 issued to Mann et al. (hereinafter referred to “Mann”) in view of U.S. Patent No. 6,907,041 issued to Turner et al. (hereinafter referred to as “Turner”). The independent claims 1, 5, and 9 are amended for style.

The Claims are allowable over Mann

Mann teaches an arrangement “for ingress processing optimization via traffic classification and grouping [where a] plurality of packets are classified according to a classification criterion.” Mann at Abstract. Mann describes the context of its teachings in its Background section as follows: “Data exchange between independent network nodes is frequently accomplished via establishing a "session" to synchronize data transfer between the independent network nodes.” The Examiner notes that “based on the teaching that the host system [of Mann] receives packets from different sessions, it is obvious that the host system receives packets from a plurality of network nodes (each a different session) in the network.” Examiner’s Answer of July 30, 2009 at page 7 (emphasis added). Mann then teaches that “the order of the received packets may be re-arranged in the packet queue 220 (e.g., arrange all the packets with a same session number in a sequence). . . . When classification is complete, all packets that are classified as a single group have, for example, the same session number . . . This group of packets may be delivered to the host 140 as one unit identified by the session number.” Mann at col. 5, lines 22-25 and 36-41.

In contrast, claim 1 recites in combination with other subject matter “receiving a plurality of sets of data packets from a plurality of physically separated non-synchronous compute nodes, wherein individual ones of said sets of data packets is provided by one of said non-synchronous compute nodes and wherein individual ones of the plurality of non-synchronous compute nodes comprise individual sources of data packets” and “outputting said data packets in respective logical groups that represent an aggregate packet from at least two of the non-synchronous compute nodes after said grouping criteria has been met.” Because the system of Mann delivers groups of packets into one unit identified by the session number and each session number corresponds to one node, Mann cannot teach every element of claim 1.

The Examiner improperly proposes modifying Mann with the teachings of Turner to remedy this shortcoming. Because Mann's teachings are limited to that of specific node-to-node communication as discussed above, modifying Mann to cover this very feature as suggested by the Examiner results in an improper modification of a principle of operation of Mann. See MPEP 2143.01 Section VI "The Proposed Modification Cannot Change the Principle of Operation of a Reference." More specifically, Mann teaches in its background section that it is designed to address the issue of "[w]hen a plurality of network nodes simultaneously access a common network resource, packets from a communication session may be shuffled with packets from hundreds of other different sessions. Due to this unpredictable data shuffling, a host system generally processes each received packet individually, including identifying a session from the received packet and accordingly identifying a corresponding session on the host system to which the received packet belongs. There is an overhead on the host system associated with such process. . . . Furthermore, the overhead may increase drastically when there are a plurality of concurrent communication sessions. High overhead degrades a hosts system's performance." Mann at col. 1, lines 45-63. Mann is addressing the problems behind matching up one to one sessions. In other words, one of skill in the art would not start with Mann to formulate the subject matter of the pending claims when Mann would have to be modified in a fundamental way to combine data from multiple sessions.

Independent claims 5 and 9 include limitations similar to that of claim 1. For all these reasons, we submit that claims 1, 5, and 9 are patentable over Mann. The remaining claims ultimately depend upon one of the independent claims shown allowable over Mann above. While we believe that other arguments are available to highlight the allowable subject matter presented in various ones of these dependent claims, we also believe that the comments set forth herein are sufficiently compelling to warrant exclusion of such additional points for the sake of brevity and expedited consideration.

Conclusion

The Commissioner is hereby authorized to charge any additional fees which may be required in this application under 37 C.F.R. §§1.16-1.17 during its entire pendency, or credit any overpayment, to Deposit Account No. 06-1135.

Respectfully submitted,

FITCH, EVEN, TABIN & FLANNERY

Date: March 11, 2010

/Nicholas T. Peters/
Nicholas T. Peters
Registration No. 53,456
ntpete@fitcheven.com

FITCH, EVEN, TABIN & FLANNERY
120 S. LaSalle Street, Suite 1600
Chicago, Illinois 60603-3406
Telephone: 312.577.7000